IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.1553 OF 2005

In

WRIT PETITION NO.8430 OF 2004

Thane Janata Sahakari Bank Limited : Petitioner (Applicant)

V/s.

M/s.Hotel Kinara & Ors. : Respondents

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Mr.K.S.Dewal for the applicant.

Mr.R.S.Gaisinghani i/b. M/s.S.M.Associates for the respondent no.1.

Mr.F.P. Dubash for the respondent no.3.

Mr.B.Saraf i/b. Sonal Doshi & Co., for the respondent no.7.

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CORAM : S.A. BOBDE, J.

September 2, 2005.

P.C.:

1. This application is taken out by the petitioner-Bank for impleadment of the respondent no.7 i.e. one Krishnan N. Konar as a party to the Writ Petition. It is not disputed that the Bank holds an award passed by the Co-operative Court against the respondent no.2 Sudhakar H.

Shetty. It is also not in dispute vide affidavit of Sudhakar Shetty dated 11.11.2004 that he retired from the partnership with effect from 31.3.2002 and was substituted by his wife Tejakshee Shetty, the respondent no.3. Thereafter, by deed of retirement dated 27.10.2004, his wife also retired from the partnership and was substituted by the proposed respondent no.7 who is sought to be joined.

2. Moreover, Mr.Dewal, the learned counsel for the petitioner, points out that the property in which the Bank claims a charge has been transferred by the respondent no.2 Sudhakar H. Shetty by a deed of conveyance dated 27.10.2004 in favour of the proposed respondent no.7 i.e. Krishnan N. Konar. In this view of the matter, I am of view that it is necessary to allow this application on the ground that the proposed respondent no.7 is the successor-in-interest of the respondent no.2 and he is therefore, in any case, a proper party to this Writ Petition.

3. The Civil Application is allowed in terms of prayer clause (i).

4. Put up the Writ Petition for admission after two

weeks.

Sd/-

S.A. BOBDE, J.